

EXHIBIT K

09/30 Objection and Exhibits

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Benjamin F. Beideman
215 Nantucket Road
Forked River, NJ 08731
Telephone: 609-207-3056
Email: b2020@beideman.net

Superior Court of New Jersey
Law Division, Special Civil Part
County of Ocean
Docket No: DC-012250-18
Judgment No: DJ-78800-22

**CAVALRY SPV I, LLC, AS ASSIGNEE
OF SYNCHRONY BANK**

Plaintiff-Creditor,

v.

BENJAMIN F. BEIDEMAN

Defendant-Debtor.

Civil Action

**Certification Regarding
Additional Levying**

I, Benjamin Frederick Beideman, am the Defendant in the above captioned action and the Debtor listed on the above referenced judgment. This Certification addresses an additional instance of levying that has occurred subsequent to my prior filings, the most recent being *Certification in Opposition to Additional Levy Executions*, which I filed on September 16, 2022 through JEDS as *EF-1572091 (eCourts SCP20222392440)*.

1. On September 20, 2022, I received notice from the Ocean County Sheriff's Office ("Sheriff") that they levied JPMorgan Chase Bank, N.A., ("Chase") on September 16, 2022 ("Exhibit A").
2. I immediately reviewed my account at Chase and found that no funds were missing at that time.
3. On September 29, 2022, I received a notice from Chase informing me that they processed a levy on September 26, 2022 ("Exhibit B").
4. Upon the review of my account, I found that a legal process fee for \$100.00 was charged on September 27, 2022, and the remaining balance, \$1,400.00, was placed on hold ("Exhibit C") pending further order of the Court.

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5. The fee I was charged constitutes additional damage caused by Plaintiff-Creditor's willful levying even though such process is stayed as a matter of law while I am under the protection of 11 U.S.C. § 362(a) (the "automatic stay").
6. It appears that Plaintiff-Creditor and their attorneys, Apothaker Scian, PC ("Attorney"), have not exercised sufficient oversight over the levies they requested be completed by the Sheriff. Earlier levies have been returned at their request, which is very appreciated even if it occurred quite belatedly and after copious notice from official sources as well as my direct contact to them.
7. However, I continue to experience damage, such as this new bank fee from Chase.
8. In my view, this demonstrates a lack of diligence in recalling their earlier requests to levy and monitoring the compliance with that request. While I am primarily concerned with the return of my levied funds and the recovery of the damages and costs I have incurred due to this carelessness, I cannot help but ponder how widespread this practice is among Creditor-Plaintiff and Attorney, especially given the quite extensive sequence of events and the number of times the parties were notified about the status of my bankruptcy.
9. As I have stated in prior filings, I continue to oppose all levies that have occurred, and any that may continue to occur, against my accounts since the filing of my bankruptcy case, on the basis of the protection provided by the automatic stay. I continue to contend that, with very limited exceptions, this protection takes precedence over any state law exemptions.
10. I request that this Court enter an order directing that the Ocean County Sheriff's Office release the funds that may be held at any of the banks levied, to ensure that any levies in process but not yet completed are dispensed with, restoring my accounts to their state before any levying occurred (aside from the bank fees).
11. Finally, as stated in the referenced prior filing, I intend on seeking an order from the United States Bankruptcy Court holding Plaintiff-Creditor and Attorney responsible for these willful acts in violation of the law and providing for the recovery of the damages, such as bank fees, and other

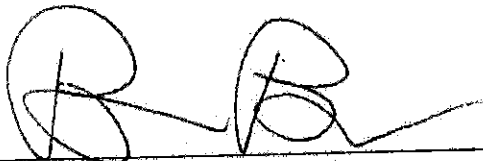
Certification Regarding Additional Levying

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costs that I have incurred in defending against their conduct. I do not believe that this Court is the appropriate setting for such a Motion, but the Bankruptcy Court certainly is.

I certify that the forgoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

I also certify that confidential personal identifiers have been redacted from documents now submitted to the court and will be redacted from all documents submitted in the future in accordance with *Rule 1:38-7(b)*.



Defendant-Debtor

9/30/2022

Date


Certification of Service

I certify that on **September 30, 2022**, I sent a copy of this Certification Regarding Additional Levying, as well as the referenced Exhibits, to the Court via JEDS and Certified Mail with return receipt (electronic) ("CMRRE"). I also notified the Parties as follows:

Plaintiff: via CMRRE
Cavalry SPV I LLC, 1 American Ln Ste 220, Greenwich, CT 06831-2563

Attorney for Plaintiff: via CMRRE
Apothaker Scian, PC, 520 Fellowship Rd Ste C306, Mt Laurel, NJ 08054-3410

Trustee for Bankruptcy: via CMRRE
John Michael McDonnell, McDonnell Crowley, 115 Maple Ave Ste 201, Red Bank, NJ 07701

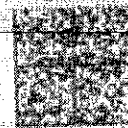


Benjamin F. Beideman

9/30/2022

Date

Ocean County Sheriff's Office
P.O. Box 2191
Toms River, New Jersey 08754-2191



US POSTAGE

ZIP 08753 \$ 000.57⁰
01 10
0001307251050 11/03/22

UNIT LOCKER # 1210150022 CHRIS S LAMAR FLEA
To: BENJAMIN BEIDEMAN designated defendant
BENJAMIN BEIDEMAN
215 NANTUCKET RD
FORKED RIVER, NJ 08731

0873135105 RO15

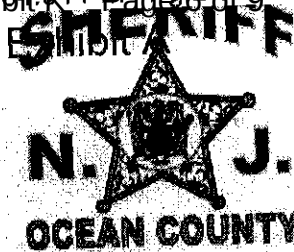


MICHAEL G. MASTRONARDY

SHERIFF

BRIAN J. KLIMAKOWSKI
UNDERSHERIFF

NILS R. BERGQUIST
UNDERSHERIFF



TELEPHONE
732-929-2044

FAX NUMBER
(732)-349-1909

OCEAN COUNTY JUSTICE COMPLEX * 120 HOOPER AVENUE * PO BOX 2191 * TOMS RIVER, NJ 08754-2191

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION, SPECIAL CIVIL PART
OCEAN COUNTY

APOTHAKER SCIAN P.C.
520 FELLOWSHIP ROAD C306
MOUNT LAUREL, NJ 08054

Re: CAVALRY SPV I, LLC AS ASSIGNEE OF SYNCHRONY BANK
Vs: BENJAMIN BEIDEMAN

Court Docket #: DJ07880022 Sheriff's Docket #: L 928850

To: BENJAMIN BEIDEMAN, designated defendant:
BENJAMIN BEIDEMAN
215 NANTUCKET RD

FORKED RIVER, NJ 08731

Your assets, automobile (VIN# N/A), or account no. ANY AND ALL ACCOUNTS in an amount not to exceed \$ 6246.13 at the CHASE BANK / BANK OF NEW YORK (MAIN ST) has been levied upon at the instruction of APOTHAKER SCIAN P.C. to satisfy in whole or in part the judgement against you in the above matter. Some property may be exempt from execution by Federal and State law, including but not limited to clothing and a total of \$1,000.00 of cash and personal property, except for goods purchased as a part of the transaction which led to the judgment in this case. In addition, welfare benefits, social security benefits, S.S.I. benefits, V.A. benefits, unemployment benefits, worker's compensation benefits and child support you receive are exempt, even if the funds have been deposited in a bank account.

If the levy is against a bank account, the bank has already been notified to place a hold on your account. However, the funds will not be taken from your account until the Court so orders. You may claim your exemption by notifying the Clerk of the Court and the person who ordered this levy of your reasons why your property is exempt. This claim must be in writing and if it is not mailed within 10 days of services of this notice, your property is subject to further proceedings for execution. The address of the Court is OCEAN, CLERK OF THE SUPERIOR COURT, OCEAN COUNTY COURT HOUSE, 118 WASHINGTON STREET ROOM 121, TOMS RIVER, NJ, 08754. The address of the person who ordered this levy is REFERENCED ABOVE.

CERTIFICATION OF SERVICE

I mailed a copy of this notice to the defendant(s), the Clerk of the above named Court and the person who requested the levy on 9/16, 2022 the same day this levy was made. I certify that the foregoing statements made by me are true. I am aware that if the foregoing statements made by me are will-fully false, I am subject to punishment.

Date: 9/21, 2022


MICHAEL G. MASTRONARDY, SHERIFF

CHASE
RCC Centralized Mail
Mail Code: LA4-7200
700 Kansas Lane
Monroe, LA 71203-4774

Exhibit B

We accept operator relay calls.

00355 COL 802 040 28922 NNNNNNNNNNN CL1
BENJAMIN BEIDEMAN
215 NANTUCKET RD
FORKED RIVER NJ 08731-5105

September 26, 2022

Important: Federal/state law required us to place a hold on your Chase account(s), which may include safe deposit box(es)

Dear BENJAMIN BEIDEMAN:

We recently received the enclosed court order which either enforces a legal judgment against you or secures a possible judgment in a lawsuit that's been filed against you. As a result, federal or state law required us to immediately place a hold on your Chase account(s). This means that you aren't able to use or withdraw any amount(s) less than or equal to the amount of the hold until the hold is released.

Date We Placed Hold	Account Number (Last Four Digits)	Amount of Hold
09/26/2022	9134	\$1400.00

The hold amount may be greater or less than the balance in your Chase account(s).

We know this situation is difficult because you can't access these funds in your account. Although we're not permitted to give you legal advice, we are providing some information in this letter to explain how your account is affected and to help you understand your options.

Here's how this affects your account

The following may apply based on your account type.

The amount that has a hold on it stays in your account, but you cannot use it for withdrawals, payments or any other reason.

Additionally, please note the following:

- If withdrawals are returned because your account doesn't have available funds, we may charge you Overdraft or Insufficient Funds Fee(s).
- We may have disconnected your Overdraft Protection service.
- We may charge you a Legal Processing Fee of \$100.00.
- In certain states, you may also be responsible for the bank's fees if we are required to obtain outside counsel.

Understanding your options

You may have options to access some funds or to have the hold on your account released. These options are outlined below.

Getting your money back

COAL-16Sep22-1756
JPMorgan Chase Bank, N.A.



2895314001040035500020000020

You may be able to reduce the amount of the hold. Federal and state laws protect certain money from being used to pay most judgments or court orders, including:

- Social Security
- Supplemental Security Income (SSI)
- Veterans benefits

Depending on where you live, protected money may also include:

- Funds from public assistance (welfare)
- Alimony or child support
- Unemployment benefits
- Disability benefits
- Public or private pensions
- Workers' compensation benefits

These protections generally don't apply to business accounts. If you think your funds may be protected, contact the judgment creditor's attorney.

Releasing the hold on your account(s)

We can only release the hold on your account if we receive a written release of the court order signed by the judgment creditor's attorney or the court. In most situations, you're the only one who can ask the judgment creditor's attorney or the court to release your funds.

If you have questions or would like to request a written release of your funds, please call the judgment creditor's attorney at 1-732-929-2044 or the court at the number on the enclosed order. If they agree to send us a written release, they can mail it to us at the address listed on the first page of this letter.

Otherwise, we're required by law to hold the funds in your account(s) until:

- We send the funds to the issuer as required by law; or
- The hold expiration date, if applicable. If there's a hold expiration date, you'll see it on the enclosed court order. We recommend you review it carefully.

Getting legal advice

If you need legal advice, you should consult an attorney. If you're unable to afford a private attorney, you can visit the Legal Services Corporation's website at lsc.gov to find out where to go in your area for help.

We're here to help

If you have questions, please call us at 1-866-578-7022. We're here to help you Monday through Friday from 8 a.m. to 9 p.m. and Saturday from 8 a.m. to 7 p.m. Eastern Time.

Sincerely,

Court Orders and Levies Department

Enclosure

CL1

▼ ON HOLD(1)

Total on hold \$1,400.00 ⓘ

Date	Reason	Expires	Amount
Sep 26, 2022	We've received a legal order to hold funds in your account. ⓘ	Dec 31, 2099	\$1,400.00

Account activity

SHOWING

All transactions ▼

Search >



Date	Description	Type	Amount	Balance
Sep 27, 2022	Legal Processing Fee	Fee	-\$100.00	\$1,400.00

Exhibit C